

# EXHIBIT H

**In the Matter Of:**

**NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY**

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**VIDEOTAPED DEPOSITION OF CINDY WILLIAMS**

*July 29, 2015*

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NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY  
VIDEOTAPED DEPOSITION OF CINDY WILLIAMS on 07/29/2015

Page 1

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MASSACHUSETTS

3 IN RE: NEW ENGLAND )  
4 COMPOUNDING PHARMACY, )  
5 INC. PRODUCT LIABILITY )  
6 LITIGATION. )  
7 )MDL NO. 2419  
8 )Master Dkt:  
9 THIS DOCUMENT RELATES TO: )1:13-md-02419-RWZ  
10 )  
11 All Actions )  
12 )  
13 )  
14 )  
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17 )  
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VIDEOTAPED DEPOSITION OF:

CINDY WILLIAMS

Taken on behalf of the Plaintiffs

July 29, 2015

CARISSA L. BOONE, LCR, RPR



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Pages 10..13

|   |   |
|---|---|
| <p style="text-align: right;">Page 10</p> <p>1 A. Yes, I've moved some.</p> <p>2 Q. And before going to work for St. Thomas,</p> <p>3 did you have any other jobs in the healthcare</p> <p>4 industry?</p> <p>5 A. I did. I worked for -- I started out</p> <p>6 with what was West Side Hospital, which is an</p> <p>7 HCA facility, and then it moved into being</p> <p>8 Centennial Medical Center.</p> <p>9 Q. Okay. And how long did you work for</p> <p>10 West Side/Centennial?</p> <p>11 A. Five years.</p> <p>12 Q. Before that, did you have any other</p> <p>13 healthcare experience?</p> <p>14 A. No. I was a student.</p> <p>15 Q. What -- and generally, what is your</p> <p>16 educational background?</p> <p>17 A. I have a Bachelor's degree from the</p> <p>18 University of Alabama.</p> <p>19 Q. What is currently your job title?</p> <p>20 A. Director of Managed Care Joint Venture</p> <p>21 Contracting.</p> <p>22 Q. Okay. And how long has that been your</p> <p>23 title?</p> <p>24 A. I'm not sure I could put an actual time</p> <p>25 frame on it. I've had multiple titles through</p> | <p style="text-align: right;">Page 12</p> <p>1 A. Joint ventures, in my terminology, is</p> <p>2 when we, St. Thomas Health, have an ownership</p> <p>3 with another company for a facility.</p> <p>4 Q. So the entity known as St. Thomas</p> <p>5 Outpatient Neurosurgical Center is one of the</p> <p>6 joint venture entities that you're referring to;</p> <p>7 is that correct?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And so part of your job responsibilities</p> <p>10 includes negotiating managed care contracts for</p> <p>11 that particular joint venture; is that true?</p> <p>12 A. I facilitate those contracts, correct.</p> <p>13 Q. All right. What does that mean, to</p> <p>14 "facilitate those contracts"?</p> <p>15 A. Because -- what it means is that I act in</p> <p>16 a messenger model role, that I represent the</p> <p>17 venture to the payors.</p> <p>18 Q. Okay.</p> <p>19 A. So anything that is done is on the</p> <p>20 direction of the facility.</p> <p>21 Q. So you take direction from the St. Thomas</p> <p>22 Outpatient Neurosurgical Center when you are</p> <p>23 facilitating a managed care contract for them?</p> <p>24 A. Correct.</p> <p>25 Q. Does that mean that you help them</p>                                  |
| <p style="text-align: right;">Page 11</p> <p>1 my 22 years, but I would say at least five, ten</p> <p>2 years.</p> <p>3 Q. Okay. And who do you report to?</p> <p>4 A. Nancy Armour Barker.</p> <p>5 Q. And what is her title?</p> <p>6 A. Vice President Managed Care.</p> <p>7 Q. Do you know who she reports to?</p> <p>8 A. Craig Polkow.</p> <p>9 Q. And what is his title?</p> <p>10 A. Chief Financial Officer for the System.</p> <p>11 Q. And do you supervise other employees?</p> <p>12 A. No. We're a very small department.</p> <p>13 Q. All right. So there's -- is there anyone</p> <p>14 who reports to you?</p> <p>15 A. No.</p> <p>16 Q. And are your job duties today basically</p> <p>17 the same as they have been for, say, the past</p> <p>18 five years?</p> <p>19 A. All in all, yes.</p> <p>20 Q. Explain what your job duties are.</p> <p>21 A. I provide managed care services to our</p> <p>22 employed physicians and to our joint venture</p> <p>23 entities.</p> <p>24 Q. What does that mean, "joint venture</p> <p>25 entities"?</p>  | <p style="text-align: right;">Page 13</p> <p>1 negotiate the contract with the payor?</p> <p>2 A. I'm not sure exactly the defi- --</p> <p>3 definition of -- you're saying negotiate. I</p> <p>4 mean, yes, I -- I take a rate to them. I kind</p> <p>5 of let them know where they sit in the</p> <p>6 marketplace. They make the decision based upon</p> <p>7 their financials, if it's something they want to</p> <p>8 accept. I turn around, I work with the managed</p> <p>9 care companies, letting them know what the payor</p> <p>10 -- I mean what the facility is wanting. So if</p> <p>11 that's what you call "negotiating," yes.</p> <p>12 Q. Okay. So -- so you're kind of at the</p> <p>13 intersection between the St. Thomas Outpatient</p> <p>14 Neurosurgical Center and the -- the companies or</p> <p>15 Government entities that pay that -- that</p> <p>16 facility; is that true?</p> <p>17 A. You could say that. I'm their contact,</p> <p>18 yes.</p> <p>19 Q. Okay. And -- and who's -- what -- what</p> <p>20 entity specifically is your employer?</p> <p>21 A. St. Thomas Health.</p> <p>22 Q. Okay. And so when you do -- do work for</p> <p>23 the St. Thomas Outpatient Neurosurgical</p> <p>24 Center --</p> <p>25 A. Uh-huh.</p> |



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Pages 14..17

|  |   |
|--|---|
| <p style="text-align: right;">Page 14</p> <p>1 Q. -- can you give us some examples of the</p> <p>2 types of payors that you interact with?</p> <p>3 A. Our major payors in the Middle Tennessee</p> <p>4 market are Blue Cross, Aetna, Cigna, United,</p> <p>5 HealthSpring. So when contracts are up for</p> <p>6 renewal, when contract terms are finalized that</p> <p>7 at this point in time we need to reach back out,</p> <p>8 I will reach back out and negotiate. As I've</p> <p>9 mentioned, what we were talking about</p> <p>10 negotiating with that particular insurance</p> <p>11 company.</p> <p>12 I also provide credentialing services.</p> <p>13 If they continue to have billing issues with the</p> <p>14 payor -- because that is a frequent thing;</p> <p>15 payors don't always pay correctly -- they --</p> <p>16 they, the center, will reach back out to me to</p> <p>17 see if contractually if the -- the payor is</p> <p>18 paying based upon our contract. And so I will</p> <p>19 review the contract and work with them in that</p> <p>20 capacity.</p> <p>21 Q. Okay. So I take it, then, that you --</p> <p>22 now, if I refer to St. Thomas Outpatient</p> <p>23 Neurosurgical Center, that's kind of a mouthful.</p> <p>24 Sometimes I might refer to it as St. Thomas</p> <p>25 Neurosurgical. If I do that, will you</p> | <p style="text-align: right;">Page 16</p> <p>1 facility, a provider or anyone providing</p> <p>2 services. And they have applications that are</p> <p>3 standard applications that are -- request</p> <p>4 information on the facility. So those go out on</p> <p>5 a regular basis. So because of the various</p> <p>6 insurance companies, you have them coming to you</p> <p>7 at different times throughout the year. So some</p> <p>8 facilities credential every year, some every</p> <p>9 three years. And so those applications come to</p> <p>10 me or to the facility and are passed over to me,</p> <p>11 and I gather the data and the information to</p> <p>12 submit those back to the insurance company.</p> <p>13 Q. So you actually fill out the applications</p> <p>14 on behalf of the -- St. Thomas Neurosurgical?</p> <p>15 A. At times I have, yes.</p> <p>16 Q. Is that the normal course?</p> <p>17 A. Yes, it is.</p> <p>18 Q. All right. So why does St. Thomas</p> <p>19 Neurosurgical not fill out its own applications</p> <p>20 for -- to be credentialed by these payors?</p> <p>21 A. As a joint venture, they have contracted</p> <p>22 with us for managed care services. And that is</p> <p>23 one of the services that fall into managed care</p> <p>24 contracting.</p> <p>25 Q. Why does St. Thomas Neurosurgical not</p> |
| <p style="text-align: right;">Page 15</p> <p>1 understand that I'm referring to the St. Thomas</p> <p>2 Outpatient Neurosurgical Center?</p> <p>3 A. Yes, sir. There's several acronyms that</p> <p>4 you can use for them.</p> <p>5 MS. PUIG: Like STOPNC?</p> <p>6 BY MR. NOLAN:</p> <p>7 Q. Sure. And so -- so if I understand your</p> <p>8 testimony, on the front end of St. Thomas</p> <p>9 Neurosurgical's relationship with the payor, you</p> <p>10 help that facility negotiate or facilitate how</p> <p>11 much it's going to get paid for the -- for what</p> <p>12 it provides to patients, correct?</p> <p>13 A. As much as the translation back and</p> <p>14 forth, yes.</p> <p>15 Q. All right. And then if there are</p> <p>16 problems with St. Thomas Neurosurgical actually</p> <p>17 being paid for what it provides to patients, you</p> <p>18 might become involved in that issue as well; is</p> <p>19 that true?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And you also mentioned that you provide</p> <p>22 credentialing services?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And what does that mean?</p> <p>25 A. An insurance company must credential a</p>   | <p style="text-align: right;">Page 17</p> <p>1 negotiate its own payment contracts with these</p> <p>2 payors?</p> <p>3 A. I'm not sure. It was a decision made</p> <p>4 when the center was formed --</p> <p>5 Q. Okay.</p> <p>6 A. -- to purchase service.</p> <p>7 Q. What do you know about the formation of</p> <p>8 St. Thomas Neurosurgical?</p> <p>9 A. I know it is a joint venture partnership</p> <p>10 between St. Thomas Network and a physician group</p> <p>11 named Howell Allen.</p> <p>12 Q. And how did you learn that?</p> <p>13 A. Those are pieces of information that have</p> <p>14 to be provided to me in order for me to complete</p> <p>15 credentialing information.</p> <p>16 Q. I see. And do you recall who provided</p> <p>17 that information to you?</p> <p>18 A. No, sir. Too long ago.</p> <p>19 Q. All right. Let me -- let me hand you a</p> <p>20 document that I'm going to make Exhibit No. 517.</p> <p>21 (Exhibit 517 was marked.)</p> <p>22 BY MR. NOLAN:</p> <p>23 Q. And I want to get you just to tell us</p> <p>24 what this -- what this is (tendering).</p> <p>25 A. Are you ready?</p>  |



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Pages 30..33

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|---|--|
| <p style="text-align: right;">Page 30</p> <p>1 A. I'm not license [sic] person that can<br/>2 tell you exactly what that defines itself as.<br/>3 But, typically, there are a set of procedures<br/>4 that fall under a licensed facility that they<br/>5 are able to perform surgical and certain<br/>6 procedures. I'm not Clinical.<br/>7 Q. And so am I correct that how a particular<br/>8 entity is licensed can affect the rates that it<br/>9 receives for various things that it provides to<br/>10 patients from the payors?<br/>11 A. I'm not sure that licensing -- well,<br/>12 okay. You have to be licensed in order for a<br/>13 facility to even pay you because that does not<br/>14 -- if you are not licensed, then you do not meet<br/>15 their criteria in order for them to legally be<br/>16 able to pay you.<br/>17 Q. Okay.<br/>18 A. Is there a rate compared to a diff- -- a<br/>19 specific license? I can tell you that a payor<br/>20 has different rates -- different ways of paying<br/>21 based upon what type of facility they are.<br/>22 Q. I see.<br/>23 A. Ambulatory surgery centers are paid on<br/>24 what's called a fee schedule for outpatient<br/>25 surgeries. Hospitals are paid a different way.</p> | <p style="text-align: right;">Page 32</p> <p>1 provide services for?<br/>2 A. Free-standing imaging centers.<br/>3 Q. Okay.<br/>4 A. A sleep center and hospitals. And,<br/>5 again, physicians.<br/>6 Q. You -- what about physician groups?<br/>7 A. Just the one that I had referenced<br/>8 earlier that St. Thomas Health owns. We have a<br/>9 very large multispecialty group.<br/>10 Q. Other than the St. Thomas Center, do you<br/>11 provide any services for any other entity that<br/>12 provides epidural steroid injections to<br/>13 patients?<br/>14 A. There is one other surgery center that is<br/>15 affiliated with our imaging center that I<br/>16 believe provides epidural injections, but I<br/>17 cannot confirm. I -- it's a relatively new<br/>18 center that I've just started working with.<br/>19 Q. And what's the name of that facility?<br/>20 A. Rads of America.<br/>21 Q. Rads of America?<br/>22 A. Uh-huh.<br/>23 Q. Who owns that entity?<br/>24 A. That's a very complicated question. We,<br/>25 through St. Thomas, have a [sic] ownership in it</p>                            |
| <p style="text-align: right;">Page 31</p> <p>1 A physician's practice is paid a different way.<br/>2 So I guess to answer your question, yes, based<br/>3 upon how you are licensed puts you in a category<br/>4 of how you are paid.<br/>5 Q. What about pain clinics, are they paid on<br/>6 a different scale, so to speak, as opposed --<br/>7 A. No --<br/>8 Q. -- to an ambulatory surgery center?<br/>9 A. My -- again, I'm -- I'm sorry. I wasn't<br/>10 supposed to --<br/>11 Q. That's all right. Let's -- let's --<br/>12 let's start over.<br/>13 MS. PUIG: Let him finish the<br/>14 question.<br/>15 THE WITNESS: Okay. Yeah, sorry.<br/>16 BY MR. NOLAN:<br/>17 Q. The question is: What about pain clinics<br/>18 that aren't licensed as surgery centers, they're<br/>19 licensed as clinics? Are they paid on a<br/>20 different scale, so to speak, as ambulatory<br/>21 surgery centers?<br/>22 A. I do not provide services for a pain<br/>23 clinic, so I cannot tell you how they're paid.<br/>24 Q. Other than ambulatory surgery centers and<br/>25 hospitals, what other types of entities do you</p>   | <p style="text-align: right;">Page 33</p> <p>1 with our partners Middle Tennessee Imaging. It<br/>2 was the formation of it. Premier Radiology --<br/>3 to be truthfully honest, I can't tell you<br/>4 exactly the ownership. I can give you names of<br/>5 people that have affiliation with it, Advanced<br/>6 Diagnostic Imaging, which is the physicians.<br/>7 But, again, it's -- it's a very -- that's a<br/>8 legal thing that I'm not sure how they have<br/>9 structured the ownership.<br/>10 Q. Okay. Do you provide managed care<br/>11 contract services to any entity that is not<br/>12 affiliated with St. Thomas Health?<br/>13 A. No, sir.<br/>14 Q. When you provide services to St. Thomas<br/>15 Neurosurgical, do you record your time in any<br/>16 way?<br/>17 A. No, sir.<br/>18 Q. Do you know whether St. Thomas Health<br/>19 sends any sort of an invoice to St. Thomas<br/>20 Neurosurgical for the specific work that you do?<br/>21 A. They do.<br/>22 Q. Let me hand you a document we're going to<br/>23 make Exhibit No. 520.<br/>24 (Exhibit 520 was marked.)<br/>25 BY MR. NOLAN:</p> |



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